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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**JOINT DISCOVERY STATUS REPORT**

Pursuant to the Court's April 1, 2013 Case Management Order (Dkt. 380), the parties submit this joint discovery status report.

**I. Status of Discovery**

Since the March 29, 2013 Joint Discovery Status Report, the following depositions have taken place:

- Rob DeMartini (Intuit) on April 1, 2013.
- Patrick Flynn (former Apple and former Google) on April 3, 2013.
- Debbie Streeter (Adobe) on April 5, 2013.

The following are the dates of outstanding depositions that have been or are being scheduled<sup>1</sup>:

- Paul Schreiber (former Apple) on April 6, 2013.
- Bob Mansfield (Apple) on April 11, 2013.
- Sheryl Sandberg (former Google). Counsel for Ms. Sandberg have informed Plaintiffs' counsel that they will file a motion seeking to quash the deposition subpoena. Plaintiffs and counsel for Ms. Sandberg have worked cooperatively to agree to a briefing and proposed hearing schedule. Both Plaintiffs and Ms. Sandberg jointly request a hearing be set on either May 21, 2013, or May 23, 2013, before either this Court or Magistrate Judge Grewal, at this Court's discretion. The opening motion will be filed no later than 35 days before the scheduled hearing, the opposition will be filed no more than 21 days before the scheduled hearing, and the reply will be filed no later than 14 days before the scheduled hearing. Until the Court has ruled on the motion, Plaintiffs have agreed to take off calendar the deposition set previously for April 23, 2013.

Since the March 29, 2013 Joint Discovery Status Report, the parties have produced the following additional documents:

- On the evening of April 1, 2013, counsel for Apple served a deposition and document subpoena on Mr. Schreiber, a former employee whom Plaintiffs first disclosed as a witness in their supplemental disclosures on March 14, 2013. His deposition is scheduled to take place on Saturday, April 6, 2013 in New York, at his request. Mr. Schreiber produced 245 documents consisting of 1,512 pages.

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<sup>1</sup> Third party witness Stephanie Buran requested to be removed from Plaintiffs' witness list after receiving Google's subpoena for deposition and documents this week. Google has now withdrawn its subpoena so the deposition previously set for April 7, 2013, is off calendar.

- Google has produced further documents, which are discussed in greater detail in Part III below.

## **II. Privilege Challenges**

Plaintiffs challenged privilege redactions to three documents produced by Intel and one document produced by Google. After meeting and conferring, Intel produced the three documents without the challenged redactions. Google has informed Plaintiffs that the language redacted from the email at issue explicitly reflects a communication between a Google employee and a Google attorney, and the email is relaying that conversation to other Google employees. Therefore, Google is standing on its assertion of privilege and has sent a letter to Plaintiffs that sets forth legal support for its assertion of privilege over the redacted portion of the document.

## **III. Google Productions**

Google has completed production of salary ranges. Plaintiffs and Google continue to meet and confer about documents associated with <http://go/inyourfacebook>. Google has advised Plaintiffs that <http://go/inyourfacebook> was not a website, but rather a link to particular document, the contents of which were in a 2007 email that Google previously produced in December 2012. Google has also produced to Plaintiffs the only version of the linked document that it has found (by searching outside of the agreed upon time period for discovery) and the contents of that 2012 linked document are identical to the previously produced email. Plaintiffs challenge the completeness of the production because emails produced by Google reflect that multiple Google employees were invited to post their ideas on this site, but no record of such individual postings have been produced.

Respectfully submitted,

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25 **ATTESTATION:** Pursuant to General Order 45, Part X-B, the filer attests that concurrence in  
26 the filing of this document has been obtained from all signatories.  
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